

Remarks and Arguments

Claims 1-10 are pending in this application. Claims 11-15 have been added to particularly point out the invention. Support for these new claims is found in figures 3-5 and page 10, line 25- page 11, line 15. Claims 3, and 7-10 have been withdrawn by the Office as drawn to a non-elected invention. Claims 1, 2 and 4-6 stand rejected as allegedly obvious. Applicant's response to each of the rejections is set forth below.

35 U.S.C. § 103

Claims 1, 2, and 4-6 stand rejected as allegedly unpatentable over U.S. Patent No. 5,680,960 (hereinafter "Keyes") in view of U.S. Patent No. 5,135,485 (hereinafter "Cohen") and further in view of U.S. Patent No. 6, 299,020 (hereinafter "Sudolcan"). Additionally, claim 5 stands rejected in view of the same three references and further in view of U.S. Patent No 4,262,542 (hereinafter "Freund"). The rejections are addressed separately below.

Claims 1, 2, 4 and 6

According to the Office, Keyes discloses all of the structure of claims 1, 2, 4, and 6, however, the Office admits that Keyes fails to disclose a pair of copper electroconductive terminals proximate the fill tube and control means responsive to the capacitance of the conductors for controlling the filling or release of fluid from the reservoir (Office Action, dated April 8, 2005, page 2). The Office believes that Keyes does disclose a pair of optical terminals and a control means responsive to the optical terminals for controlling the filling or release of fluid from the reservoir. The Office alleges that Cohen teaches a fluid sensing system having a pair of electroconductive terminals placed directly on the container. The Office concludes that it would have been obvious for skilled artisan at the time the invention was made to replace the optical sensors of Keyes with the electroconductive terminals taught by Cohen because Sudolcan recognizes that optical sensors can have deficiencies when the material to be dispensed is less opaque and that electroconductive terminals are more reliable for these types of materials. Applicant respectfully disagrees and thus traverses the rejection.

Applicant has amended claim 1 to recite "a disposable fluid dispensing cartridge." The remaining claims all depend on claim 1. No reference of record teaches or suggests a disposable fluid dispensing cartridge. Thus the cited references do not teach or suggest all of the claim limitations as required. Accordingly, Applicant submits that the claimed invention is not prima facie obvious. Applicant respectfully requests withdrawal of the rejection.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account.

Respectfully submitted



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